

REMARKS/ARGUMENTS

By the Advisory Action dated March 17, 2006, the rejections of claims 115, 126, 137 and 148 under 35 U.S.C. 112, second paragraph are indicated as being overcome. However, the following rejections have been maintained: claims 129 and 140 are rejected under 35 U.S.C. 102(b) as being anticipated by the newly cited reference DE 33 10 892; claims 151-155 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2 446 097; claims 106-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of LaForge, JP 08-49856, DE 33 10 892 and Benesh; claims 156-160 are rejected under 35 U.S.C. 103(a) as being unpatentable over newly cited reference FR 2 446 097.

By this Preliminary Amendment, the applicants have amended independent claims 106, 117, 129, and 140 to more clearly and distinctly recite that the conductive member is a continuous piece of material which is positioned adjacent to and extends continuously along the entire extent of the peripheral edge of the bottom side. The applicants believe that, with this amendment, the present invention is clearly and patentably distinguished over the cited art.

Considering now the rejection of claims 151-155 as being anticipated by the reference FR 2 446 097, the Examiner has said that the reference shows a “vessel 11; a top housing 12 having a top rim (above 12b) coupled circumferentially to the external bottom side of the vessel (see annular bottom wall step adjacent 12b)”. However, the Examiner has failed to recognize that in the Applicant’s claims, the “external bottom side of the vessel” was qualified in the recitation of the vessel and therefore cannot be reasonably construed in the manner applied by the Examiner. That is, the applicants recite “a vessel defining a cavity having enclosed sides, a thermally conductive bottom end and a top end forming an opening for the introduction to and extraction from said cavity of contents to be heated, the bottom end having an external bottom side for receiving heat”. Clearly the outwardly extending portion (i.e. the annular bottom wall step adjacent 12b) at the top of the vessel 11 cannot be considered to be a part of a “thermally conductive bottom end of the vessel adapted for receiving heat” as would be required if the claim is to read on the FR 2 446 097 reference as suggested by the Examiner. Thus, not only is the

Serial No.: 10/603,947
Amendment Dated: March 28, 2006

cited reference substantially different in structure from the present invention, it is technically inconsistent with the recited features of claim 151.

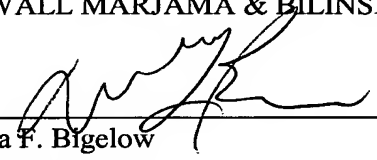
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By: _____


Dana F. Bigelow
Reg. No. 26,441

DFB/cmh
Telephone: (315) 425-9000
Customer No.: 20874